

**PATENT****REMARKS**

In the Office Action, the Examiner objected to the specification; rejected claims 1-10 and 18-33 under 35 USC §112, first paragraph; rejected claims 1, 2, 5-10, 18-27 and 29-33 under 35 USC §102(a); and rejected claims 3, 4 and 28 under 35 USC §103(a). These objections and rejections are fully traversed below.

Claims 1, 2, 3, 10, 19, 21, 22, 24, 26-29, 31 and 32 have been amended to further clarify the subject matter regarded as the invention. Claims 1-10 and 18-33 remain pending. In addition, minor amendments have been made to the specification to improve its form.

Reconsideration of the application is respectfully requested based on the following remarks.

**OBJECTION OF THE SPECIFICATION**

In the Office Action, the Examiner objected to the specification due to failure to provide proper antecedent basis for certain terms ("data store", "user hearing profile", "audio output apparatus" and "audio characteristic"). Applicants respectfully disagree. Nevertheless, the claims and/or the specification have been altered to make the support for such terms more clear for the benefit of the Examiner. Accordingly, it is respectfully requested that the Examiner withdraw the objection to the specification.

**REJECTION OF CLAIMS 1-10 AND 18-33 UNDER 35 USC §112, PARA. 1**

In the Office Action, the Examiner rejected claims 1-10 and 18-33 under the first paragraph of under 35 USC §112, first paragraph, as failing to comply with the written description. Applicants respectfully disagree and find no basis for this rejection. However, as requested by the Examiner, Applicants note that neither this Amendment nor the previously filed Preliminary Amendment added any new matter to this application. As to claim 29, Applicants submit that the claim is sufficiently definite. The audio signals being received at a wireless audio adapter

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are from an audio system, and the wireless audio adapter is not a node of a system but is an electronic device that is attachable to an audio output port of the audio system. Based on the foregoing, it is respectfully requested that the Examiner withdraw the rejection of the claims under the first paragraph of 35 USC §112.

**REJECTION OF CLAIMS 1, 2, 5-10, 18-27 AND 29-33 UNDER 35 USC §102(a)**

In the Office Action, the Examiner rejected claims 1, 2, 5-10 and 18-20 under 35 USC §102(a) as being anticipated by Allen et al., U.S. Patent Pub. 2002/0149705; and rejected claims 21-27 and 29-33 under 35 USC §102(a) as being anticipated by Breed et al., U.S. Patent Pub. 2001/0038698. These rejections are fully traversed below.

Claim 1 pertains to a system that enhances an audio system having an audio output terminal. The system includes a wireless transmitter that connects to the audio output terminal to receive audio output from the audio system and wirelessly transmits signals corresponding to the audio output. The transmitted signals are received at a personal audio device usable by a user to hear the audio output. The audio output is customized for a particular user based on the audio output and user information regarding a particular user. On pages 3 and 4 of the Office Action, the Examiner relies on Allen et al. in order to reject claim 1.

Allen et al. describes a hybrid communicator/remote control that includes a display screen configured to display a contact list.

Initially, it should be noted that nothing in Allen et al. pertains to enhancing an audio system through use of a wireless transmitter and a personal audio device. Paragraph [0096] of Allen et al. indicates that a verbal identifier 526, such as a digital audio sample of a contact's spoken name, can be reproduced at a speaker 242 of a hybrid communicator/remote control 106. "This may allow, for example, a visually impaired individual to easily select a contact 520 from the list 252." Allen et al., paragraph [0096]. However, merely reproducing, i.e., playing back, a recorded spoken name for a contact is not in any way enhancing an

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audio system as is recited in claim 1. Further, claim 1 recites "wherein said system generates a customized audio output based on the audio output and the user information...." According to claim 1, the customization results from the audio output and the user information. Although the Examiner references paragraph [0096] of Allen et al., nothing therein teaches or suggests any sort of audio customization of a recorded spoken name. Accordingly, it is submitted that claim 1 is patentable distinct from Allen et al.

Claim 21 pertains to a system that enhances an audio system having an audio output terminal. The system includes a wireless transmitter that connects to the audio output terminal to receive audio output from the audio system and wirelessly transmits signals corresponding to the audio output. The transmitted signals are received at a personal audio device usable by a user to hear the audio output. On pages 7 and 8 of the Office Action, the Examiner relies on paragraph [0136] of Breed et al. in order to reject claim 21.

Paragraph [0136] of Breed et al. describes an in-vehicle entertainment system that can provide different outputs for the system's speakers based on the occupancy of the seats. In contrast, claim 21 pertains to a system that connects a wireless transmitter to the audio output terminal of an audio system so as to facilitate wireless transmission of signals corresponding to the audio output to a personal audio device. Claim 21 also recites that the personal audio device is a mobile device that is for use by a particular user.

Nothing in Breed et al. teaches or suggests wireless transmission of audio signals to a personal device that has a directional speaker. The vehicle-based entertainment system in Breed et al. lacks any teaching or suggestion for wireless transmission of signals (corresponding to audio output from an audio system) to a personal device that is for use by a particular user and that has a directional speaker as recited in claim 21. The vehicle in Breed et al. is also not an audio device that is mobile as well as portable and personal, i.e., for use by a particular user. Hence, it is submitted that claim 29 is patentably distinct from Breed et al.

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Claim 24 pertains to a personal audio device that is for use by a user to hear audio sound. The audio device is not only mobile but also portable and personal to a user but also mobile. On the other hand, Breed et al. pertains to controlling audio reception for occupants of a vehicle. Hence, Breed et al. does not teach or suggest a mobile personal audio device as recited in claim 24. Therefore, it is submitted that claim 24 is patentable distinct from Breed et al.

Claim 29 pertains to a method for providing audio sound output from an audio system to a user in a wireless manner. In general, as previously noted, Breed et al. pertains to controlling audio reception for occupants of a vehicle. More particularly, in rejecting claim 29, the Examiner relies on paragraph [0136] of Breed et al. However, [0136] of Breed et al. describes an entertainment system that can provide different outputs for the speakers based on the occupancy of the seats. In contrast, claim 29 recites use of a wireless audio adapter. The wireless audio adapter is attached to an audio output port of the audio system. Audio signals can then be wirelessly transmitted via the wireless audio adapter to a specific personal device that has a directional speaker. Nothing in Breed et al. teaches or suggests a wireless audio adapter or wireless transmission of audio signals to a specific personal device that has a directional speaker. The vehicle-based entertainment system in Breed et al. lacks any teaching or suggestion for a wireless audio adapter or wireless transmission of audio signals to a specific personal device that has a directional speaker as recited in claim 29. Hence, it is submitted that claim 29 is patentable distinct from Breed et al.

Based on the foregoing, it is submitted that claims 1, 21, 24 and 29 are patentably distinct from Allen et al. and/or Breed et al. In addition, it is submitted that dependent claims 2, 5-10, 18-20, 22, 23, 25-27 and 30-33 are also patentably distinct for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from Allen et al. and/or Breed et al. Thus, it is respectfully

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requested that the Examiner withdraw the rejection of claims 1, 2, 5-10, 18-27 and 29-33 under 35 USC §102(a).

**REJECTION OF CLAIMS 3, 4 AND 28 UNDER 35 USC §103(a)**

In the Office Action, the Examiner rejected claims 3 and 4 under 35 USC §103(a) as being unpatentable over Allen et al., U.S. Patent Pub. 2002/0149705, in view of Breed et al., U.S. Patent Pub. 2001/0038698; and rejected claim 28 under 35 USC §103(a) as being unpatentable over Breed et al., U.S. Patent Pub. 2001/0038698, in view of Rodewald et al., U.S. Patent Pub. 2002/0005777.

These rejections are also fully traversed. It is enough that the serious deficiencies of Allen et al. and Breed et al. as discussed above cannot be overcome by combining Allen et al and Breed et al. Combining Rodewald et al. with Breed et al. also fails to overcome the serious deficiencies of Breed et al. Moreover, ingenuity would be required for one skilled in the art to combine these references in the manner proposed by the Examiner. Hence, it is submitted that the combination of these references is improper. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 3, 4 and 28 under 35 USC §103(a).

**SUMMARY**

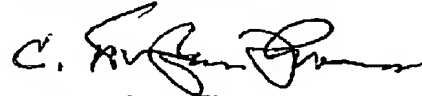
It is submitted that the specification is not objectionable. It is also submitted that all claims (i.e., 1-10 and 18-33) satisfy the requirements of the first paragraph of under 35 USC §112. Still further, it is submitted that all claims are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

Reconsideration of the application and an early Notice of Allowance are earnestly solicited. If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

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Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-3874.

Respectfully submitted,



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